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 8 Cross-Defendants People and Attorney General

DEC 30 '05 PM 2:26

F I L E D

Clerk of the Superior Court

DEC 30 2005

By: K SANDOVAL, Deputy

## SUPERIOR COURT OF THE STATE OF CALIFORNIA

## IN AND FOR THE COUNTY OF SAN DIEGO

11 **PEOPLE OF THE STATE OF CALIFORNIA ex**  
 12 **rel. BILL LOCKYER, Attorney General of the State**  
 13 **of California,**

Plaintiff,

v.

14 **U. S. SMOKELESS TOBACCO COMPANY, a**  
 15 **Delaware corporation,**

Defendant.

17 **U.S. SMOKELESS TOBACCO COMPANY, a**  
 18 **Delaware corporation,**

Cross-Complainant,

v.

20 **PEOPLE OF THE STATE OF CALIFORNIA ex**  
 21 **rel. BILL LOCKER, Attorney General of the State**  
 22 **of California; BILL LOCKYER in his official**  
 23 **capacity as the Attorney General of the State of**  
 24 **California; and the NATIONAL ASSOCIATION**  
 25 **OF ATTORNEYS GENERAL,**

Cross-Defendants.

BY FAX

J.C.C.P. 4041

**STIPULATION RE:**  
**BRIEFING SCHEDULE;**  
**[PROPOSED] ORDER**  
 Dept: 71  
 Judge: Hon. Ronald S. Prager

26 WHEREAS on December 21, 2005, Plaintiff and Cross-Defendant, the People of the State  
 27 of California ex rel. Bill Lockyer ("People") and Cross-Defendant Attorney General of the State  
 28

1 of California in his official capacity (Attorney General) (collectively California) and Cross-  
2 Defendant, National Association of Attorneys General (NAAG) filed Demurrers to U.S.  
3 Smokeless Tobacco Company's (USSTC) First Amended Cross-Complaint and NAAG also filed  
4 a Motion to Quash Service of Summons on that date;

5 WHEREAS on December 22 and December 23, 2005, USSTC served on California and  
6 NAAG requests for production of documents and interrogatories related to the issue of personal  
7 jurisdiction over NAAG and California and NAAG have requested an extension of time to  
8 respond;

9 WHEREAS USSTC intends to file a Motion for Judgment on the Pleadings;

10 THEREFORE, all parties agree and stipulate that:

11 1. The schedule for the Motion for Judgment on the Pleadings and the schedule for  
12 California and NAAG's Demurrers and NAAG's Motion to Quash Service of Summons should  
13 be combined so that all these motions can be heard on the same date;

14 2. The parties propose the following schedule:

15 (a) USSTC's Motion for Judgment on the Pleadings will be due **January 10, 2006**.

16 (b) Responses to USSTC's requests for production of documents and interrogatories  
17 related to the issue of personal jurisdiction over NAAG will be due **February 7, 2006**.

18 (c) USSTC's Opposition briefs to California and NAAG's motions are due **February 15,**  
19 **2006.**

20 (d) The People's Opposition to USSTC's Motion for Judgment on the Pleadings is due  
21 **February 24, 2006.**

22 (e) Any and all Reply briefs are due **March 15, 2006.**

23 (f) Hearing on Demurrers to Cross-Complaint, Motion to Quash Service of Summons and  
24 Motion for Judgment on the pleadings on **March 27, 2006**, or any subsequent date  
25 thereafter as the Court may choose.

26 3. By entering into this stipulation, NAAG is not making a general appearance for  
27 purposes of jurisdiction;  
28

1 SO STIPULATED

2 DATED: December 2, 2005

BILL LOCKYER  
Attorney General of the State of California  
AMY J. HERTZ  
Deputy Attorney General

By: 

MICHELLE HICKERSON  
Deputy Attorney General

Attorneys for Plaintiff People  
Cross-Defendants People and Attorney General

SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP

By: 

JOSE R. ALLEN  
Attorney for Defendant AM  
U.S. SMOKELESS TOBACCO COMPANY

THE NATIONAL ASSOCIATION OF ATTORNEYS  
GENERAL

By: 

ILANA KNOPE  
Attorney for Cross-Defendant  
National Association of Attorneys General

8 AM December 30  
9 DATED: January 5, 2005

11 (MK)  
12 December 30  
13 DATED: January 5, 2005



[PROPOSED] ORDER

Good cause appearing, and based on the stipulation of the parties filed herewith, it is  
ORDERED that:

1. The schedule for the Motion for Judgment on the Pleadings and the schedule for the California and NAAG's Demurrers and NAAG's Motion to Quash Service of Summons shall be combined so that all these motions can be heard on the same date;

(a) USSTC's Motion for Judgment on the Pleadings will be due **January 10, 2006**.

(b) Responses to USSTC's requests for production of documents and interrogatories related to the issue of personal jurisdiction over NAAG will be due **February 7, 2006**.

(c) USSTC's Opposition briefs to California and NAAG's motions are due **February 15, 2006**.

(d) The People's Opposition to USSTC's Motion for Judgment on the Pleadings is due **February 24, 2006**.

(e) Any and all Reply briefs are due **March 15, 2006**.

(f) Hearing on Demurrers to Cross-Complaint, Motion to Quash Service of Summons and Motion for Judgment on the pleading shall be **March** \_\_\_\_\_ **2006** at the time of

Dated:

HON. RONALD S. PRAGER

FILED  
Clerk of the Superior Court

DEC 30 2005

**PROOF OF SERVICE****STATE OF CALIFORNIA, COUNTY OF SAN FRANCISCO**

By: K SANDOVAL, Deputy

I am employed in the County of San Francisco, State of California. I am over the age of 18 and am not a party to the within action; my business address is Four Embarcadero Center, Suite 3800, San Francisco, California 94111.

On December 30, 2005, I served the foregoing document described as:

**STIPULATION RE: BRIEFING SCHEDULE; [PROPOSED ORDER]**

on interested parties in said action by placing a true copy thereof enclosed in a sealed envelope for delivery as follows:

**(BY MAIL IN THE ORDINARY COURSE OF BUSINESS)**

I am readily familiar with the firm's practice for the collection and processing of correspondence for mailing with United States Postal Service and the fact that the correspondence would be deposited with the United States Postal Service the same day in the ordinary course of business. On this date, the above-referenced correspondence was placed for deposit at San Francisco, California and placed for collection and mailing following ordinary business practices addressed as follows:

Michelle Hickerson, Esq.  
Deputy Attorney General  
State of California Dept. of Justice  
110 West A Street  
San Diego, California 92186-5266

Amy Hertz, Esq.  
Deputy Attorney General  
State of California Dept. of Justice  
1515 Clay Street, 20th Floor  
Oakland, California 94612-0550

Iana Knopf, Esq.  
National Association of Attorneys General  
750 First Street, N.E., Suite 1100  
Washington, DC 20002

William Lieblich, Esq.  
National Association of Attorneys General  
750 First Street, N.E., Suite 1100  
Washington, DC 20002

José R. Allen  
Skadden, Arps, Slate, Meagher & Flom LLP  
Four Embarcadero Center, Suite 3800  
San Francisco, CA 94111

☐ **(BY OVERNIGHT MAIL)**

I delivered such envelope to an overnight carrier with delivery fees paid for overnight mail, priority delivery service following ordinary business practices addressed as follows:

☐ **(BY PERSONAL SERVICE)** ☐

By personally delivering copies to the person served.  
(State/Federal)

☐ I delivered such envelope by hand to offices of the addressee pursuant to CCP §1011. (State/Federal)

I declare under penalty of perjury under the laws of the State of California and the United States of America that the foregoing is true and correct.

Executed on December 30, 2005, at San Francisco, California.

*Ruth Mehrwein*

Ruth Mehrwein

# SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

CALENDAR NO.

NUMBER <b>JCCP4041</b>	COMPLAINT DATE	HEARING DATE <b>1-3-06</b>	HEARING TIME <b>1:30 PM</b>	DEPT <b>71</b>	COURT USE ONLY  <b>FILED</b> Clerk of the Superior Court  <b>JAN 03 2005</b>  By: <b>K SANDOVAL, Deputy</b>
JUDGE/COMMISSIONER <b>Ronald S Prager</b>		CLERK <b>K Sandoval</b>			
REPORTER		CSR #			

PLAINTIFF/PETITIONER <b>People of State of CA</b>	DEFENDANT/RESPONDENT <b>US Smokers Tobacco</b>
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The above matter came on for hearing with the below appearances for:

ATTORNEY OF RECORD	PHONE	APPEARANCE BY
<b>People</b>		<b>Amelia A3</b>
		<b>Bull Leblond, Yvonne Knapp</b>
<b>US Smokers Tobacco</b>		<b>Jane Allen</b>
		(add'l signatures - use attached sheet) <b>Douglas Fleming</b>

IT IS ORDERED AS FOLLOWS:

Motion for judgment on the pleadings  
will be set for 3/27/06  
see attached sheet.

Motion hearing April 3 at <sup>9:00</sup> ~~8:00~~ AM.  
otherwise a briefing schedule

March 13 demurrer is continued until April 3, 05  
(remaining dates except for opening brief will be  
covered by stipulation.)

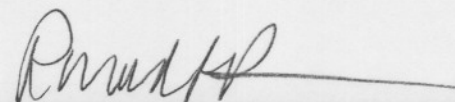
ESTIMATED TRIAL TIME: \_\_\_\_\_ day(s).

JURY / NON-JURY

☐ Ordered dismissed with \_\_\_\_\_ without \_\_\_\_\_ prejudice.

IT IS SO ORDERED:

Dated: **JAN 03 2005**



JUDGE/COMMISSIONER OF THE SUPERIOR COURT